



U.S. Department of Justice

*United States Attorney
Western District of New York*

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PRESS RELEASE

June 25, 2003

RE: UNITED STATES OF AMERICA v. MARK CONGI, et al.

United States Attorney Michael A. Battle announced today the return of a 14-count Second Superseding Indictment charging 15 members of Laborers Local 91, based in Niagara Falls, New York, with engaging in a violent scheme to extort jobs and compensation associated with those jobs from both local and out-of-town businesses and union and non-union employees. The Second Superseding Indictment specifically accuses the defendants, including several high-ranking officers of Local 91, with conspiracy to commit racketeering in violation of Title 18, United States Code, Section 1962(d), 11 counts of extortion or attempted extortion, in violation of Title 18, United States Code, Section 1951, 1 count of interstate transportation in aid of racketeering, in violation of Title 18, United States Code, Section 1952, and 1 count of destruction of a motor vehicle engaged in commerce, in violation of Title 18, United States Code, Section 33. This Indictment was returned in response to the recent Supreme Court holding of Scheidler v. National Organization of Women. Charged in the Second Superseding Indictment were:

MARK CONGI, age 42
DOMINICK DELLACCIO, age 57

SALVATORE BERTINO, age 51
MICHAEL "BUTCH" QUARCINI, age 72
ALBERT CELESTE, age 61
ANDREW SHOMERS, age 40
SALVATORE SPATORICO, age 56
ANDREW TOMASCIK, JR., age 37
PAUL BELLRENG, age 49
BRIAN PERRY, age 42
ANTHONY CERRONE, age 38
MARK LOSTRACCO, age 33
STEVEN MARKLE, age 42
JAMES McKEOWN, age 46
JOEL CICERO, age 48

Previously, on April 30, 2003, a Superseding Indictment was returned charging 14 defendants with various acts of extortion as well as racketeering and destruction of a motor vehicle.

All of the charged offenses are punishable by a maximum term of imprisonment of twenty years, a fine of \$250,000, or both. Additionally, the defendants will be ordered to forfeit any interest maintained or acquired in Local 91, including their management positions within the union, should they be convicted of the racketeering charge. It should be noted that the fact that a defendant has been charged with a crime ... is merely an accusation and the defendant is presumed innocent until and unless proven guilty. (Disciplinary Rule 7-107(B)(6)).

According to U.S. Attorney Battle, the Indictment alleges that from at least October 1995 to May 15, 2002, high ranking officers of Local 91, including current Business Manager Michael "Butch" Quarcini, Assistant Business Manager Albert Celeste, President

Mark Congi, and now retired, past-President Dominick Dellaccio, directed Local 91 members whose principal objective was to force employers to hire workers selected by the defendants. The Indictment alleges that the defendants tried to enforce and enforced their demands by threatening to commit and by committing acts of bodily harm, destruction of property, and workplace sabotage.

The Indictment also alleges that the violence committed by the defendants was not confined to construction sites, and included violence perpetrated against innocent bystanders and persons suspected of cooperating with law enforcement.

The Indictment adds as a defendant Joel Cicero, the administrator of the Local 91 Training Fund and former commissioner of the Niagara Falls Bridge Commission. Mr. Cicero, who was replaced earlier this year on the Commission, is charged with one count of extortion by attempting, through his position as Commissioner, to obtain jobs from contractors involved in the construction of a food mart in 2001/2002 at the Lewiston Queenston Bridge. He is also charged with causing an individual to travel in interstate commerce as part of the alleged extortion. The new Indictment also alleges as acts of racketeering the attempted extortion by defendants Mark Congi, Salvatore Bertino and Andrew Shomers of Vulcan Shaw Floors and the Louis P. Ciminelli Construction Company during the 1996 construction of a Target store in Niagara Falls, New York.

U.S. Attorney Battle reported that the Indictment was the product of a 4-year investigation. Mr. Battle praised the tireless efforts of the investigating agencies and

agents who actively participated in this long-term investigation: the Federal Bureau of Investigation under the leadership of Special Agent in Charge Peter J. Ahearn, the United States Department of Labor, Office of Inspector General under the leadership of Special Agent in Charge John McGlynn, the New York State Police under the leadership of Captain Thomas M. Fresenius, Detail Commander, Special Investigation Unit, the Niagara County Sheriff's Department under the leadership of Sheriff Thomas Beilein, and the Niagara Falls Police Department under the leadership of Superintendent Christopher Carlin.

The prosecution is being handled by Assistant U.S. Attorneys William J. Hochul, Jr., Charles B. Wydysh and Brett A. Harvey.

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